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# **United States Department of Energy Office of Hearings and Appeals**

	Administrative Judge Decision				
	_	Issued: Oc	tober 29, 2021	-	
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Filing Date:	July 21, 2021		)	Case No.:	PSH-21-0089
In the Matter of:	Personnel Secur	rity Hearing	)		

Richard A. Cronin, Jr., Administrative Judge:

This Decision concerns the eligibility of XXXXX XXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material." As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should not be granted.

# I. BACKGROUND

A DOE contractor employs the Individual in a position that requires him to hold an access authorization. As part of a security clearance investigation, the Individual was instructed to complete a Questionnaire for National Security Positions (QNSP), which required the Individual to answer questions regarding his education and past employment. He signed and submitted his most recent QNSP on September 18, 2019.<sup>2</sup> Ex. 4. Subsequently, the Individual underwent a Triggered Enhanced Subject Interview (TESI) on November 21, 2019. Ex. 6. Based on the information provided, the Local Security Office (LSO) began the present administrative review proceeding by issuing a Notification Letter to the Individual, informing him that there was substantial doubt regarding his eligibility for access authorization and that he was entitled to a hearing before an Administrative Judge to resolve these doubts. *See* 10 C.F.R. § 710.21.

<sup>&</sup>lt;sup>1</sup> The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

<sup>&</sup>lt;sup>2</sup> The Individual had submitted a previous QNSP pursuant to his employment as a contractor for a DOE facility on January 8, 2014. Ex 5.

The Individual requested a hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual presented the testimony of two witnesses, and testified on his own behalf. *See* Transcript of Hearing, Case No. PSH-21-0089 (hereinafter cited as "Tr."). The LSO submitted six exhibits, marked as Exhibits one through six (hereinafter cited as "Ex."). The Individual submitted 89 exhibits (Ex. A.1 through D.10) into the record.

# II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the Notification Letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning his eligibility for a security clearance. That information pertains to Guideline E.

Under Guideline E (Personal Conduct), "Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes." Adjudicative Guidelines at ¶ 15. Among those conditions set forth in Guideline E that could raise a disqualifying security concern is "credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information." Adjudicative Guidelines at ¶ 16 (c).

With respect to Guideline E, the LSO alleged (1) on his September 18, 2019, and January 9, 2014, QNSPs (hereinafter "QNSPs), the Individual certified that he was awarded an Associate's degree in May 1998 and had not been awarded any other degrees; however, employment records from his former employer reflect that he listed being awarded a Bachelor's degree in Criminal Justice from a specified university (University) on his resume and employment application; (2) the Individual admitted during the TESI that he was required to have a Bachelor's degree for his military commission; however, his QNSPs only listed the Individual as possessing an associate's degree; and (3) During the TESI, the Individual initially denied having been awarded any other degrees besides an Associate's degree; however, after being confronted with information that he had been awarded a Bachelor's degree from the University, he stated he had not reported this degree because it was an online program, and he had submitted his work history which the University calculated into academic credits toward his degree. The Individual also stated that the University awarded him a Bachelor's degree without him meeting any other requirements.

The LSO also alleged that when the Individual was asked during the TESI if he had ever disclosed having a Bachelor's degree on a resume or other personal or professional documents, he replied

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<sup>&</sup>lt;sup>3</sup> The Individual held the rank of Captain in the U.S. military.

that he did not know. However, he admitted that he obtained his military rank as Captain after providing the military with proof of his Bachelor's degree, and records from a former employer showed that he listed his Bachelor's degree on his resume and application. Given the information described above, the LSO's invocation of Guideline E is justified.

#### III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The entire process is a conscientious scrutiny of a number of variables known as the "whole person concept." Adjudicative Guidelines ¶ 2(a). The protection of the national security is the paramount consideration. The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The Individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization "will not endanger the common defense and security and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). The Individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R. § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

#### IV. FINDINGS OF FACT

In his 2019 and 2014 QNSPs, the Individual certified that he had received an Associate's degree but did not list that he was awarded any other degrees. Ex. 4 at 11–12; Ex. 5 at 7–8. The Individual underwent the TESI with an Office of Personnel Management (OPM) investigator on November 21, 2019. After verifying his listed education, he was asked if he had any other degrees conferred more than ten years ago, and he answered no. Ex. 6 at 58. However, after the OPM investigator confronted him with information reflecting that he had a Bachelor's degree from the University, he admitted that he in fact had obtained a Bachelor's degree from that university. *Id.* He stated that he did not report it because it was an online program and he did not actually attend the school nor was he enrolled in any classes, so he did not think it "counted as needing reporting." *Id.* The Individual explained that he submitted his work history, the school calculated his work experience into credits, and the University awarded him a Bachelor's degree with no other requirements. Ex. 6 at 58–59.

In his QNSPs, the Individual reported serving as a Captain in the U.S. military. Ex. 4 at 16–17; Ex. 5 at 12–13. During the TESI, he told the OPM investigator that a Bachelor's degree is required to hold that rank. Ex. 6 at 58. He stated that he was required to obtain a Bachelor's degree within two years after his officer commission date and told the investigator that he received his Bachelor's degree from the University sometime between 1998 and 2002. Ex. 6 at 58. During the TESI, the Individual was asked if he was aware that the school was unaccredited, and how his military commission would have been impacted if the degree was from an unaccredited institution. *Id.* at 59. He told the investigator that he was not sure of the meaning of accredited and did not know whether the school was accredited or not. *Id.* He indicated that he did not think accreditation would have impacted his commission because he had submitted his paperwork to the higher headquarters, as required, and that it processed and accepted all his paperwork. *Id.* The investigator asked the Individual if he did not report his Bachelor's degree because it was from an unaccredited school, and the Individual asserted that his failure to report his degree had no relation to whether it was accredited. *Id.* He also told the investigator that to the best of his knowledge, it is a valid Bachelor's degree. *Id.* 

During the TESI, the Individual was also asked if he disclosed his Bachelor's degree on resumes or other personal or professional documents. *Id.* He replied that he did not think so, and then stated he did not know. *Id.* He also stated that if the situation does not require listing a degree, or if the degree does not relate to the situation, then he will not report his Bachelor's degree. *Id.* However, as part of the Individual's background investigation, the DOE obtained employment records from a prior employer. Ex. 6 at 76–77. The employment records showed that in his March 2013 employment application and in a resume he also provided to the employer, he listed that he had obtained a Bachelor's degree in Criminal Justice from the University. *Id.* 

The Individual submitted copies of his educational records including transcripts from the various schools he had attended and records reflecting his military course completions. A.1–A.9. He also submitted a copy of his college diploma reflecting that he holds a Bachelor of Science (B.S.) degree in Criminal Justice from the University, and that the degree was awarded in 2003. Ex. A.9.

The Individual also submitted exhibits related to his military employment. Exs. B.1.a.—B.1.cc. His exhibits included several military awards such as a Bronze Star Medal awarded for service in Iraq; a Combat Action Badge award; and an Award for Leadership Excellence. Exs. B.1.a.; B.1.b.; B.1.k. In addition, the Individual submitted annual officer evaluation reports from 2000 through 2006 reflecting that he received performance ratings of "outstanding." Ex. B.1.n. at 2; Ex. B.1.o. at 2; Ex. B.1.p. at 2; Ex. B.1.q. at 2; Ex. B.1.r. at 2; Ex. B.1.s. at 2; B.1.t. at 2. He also submitted verification reflecting that the U.S. military had previously granted him a "Secret" security clearance. Ex. B.1.cc. Additionally, he submitted a copy of his courier authorization card verifying his previous authorization as a designated courier of classified material. Ex. B.1.bb. at 3, 6.

The Individual also submitted evidence related to his civilian employment. Exs. B.2.a.—B.2.v.; Exs. C.1—C.20. He received numerous certificates of appreciation for serving as an instructor who provided advanced training courses on various topics. Ex. B.2.h.; Ex. B.2.k.; Exs. B.2.m.—B.2.r.; Ex. B.2.t. Moreover, he received several letters of commendation and awards for his outstanding efforts in various law enforcement projects. Ex. C.2.; Ex, C.5.; Ex. C.7; Ex. C.8; Exs. C.15—C.19.

Additionally, the Individual submitted ten character reference letters. Ex. D.1–D.10. One letter was from the Individual's spouse and nine of the letters were from former or current colleagues who had either worked with the Individual directly, or who had collaborated with the Individual when they worked on joint assignments. *Id.* All his character statements provided excellent references and stated the Individual was trustworthy. *Id.* One of the letters was from a retired General who explained the multi-layer verification process completed by the U.S. military's higher headquarters to provide final acceptance of the Individual's Bachelor's degree for promotion purposes. Ex. D.9. The General, who has known the Individual for his entire military career, also wrote highly of the Individual's ethics, judgment, and integrity. *Id.* Another letter was from an official who previously worked with the Individual on law enforcement projects and who is a subcontractor for the Individual's recently formed company. Ex. D.1. at 2. In addition to stating his support for the Individual to retain his security clearance, the official detailed the reasons for his belief that the Individual provided truthful answers on his QNSP. Ex. D.1.

# V. HEARING TESTIMONY

The Individual's former colleague (colleague) testified that he served in the military with the Individual and has known him since 2003. Tr. at 23, 25. He testified that they worked together in combat during a deployment abroad. *Id.* at 26–27. The colleague further testified and provided a written character statement stating that he knows the Individual also on a personal basis and since their military service ended, the colleague has maintained contact with the Individual as friends for the past several years. Tr. at 27; Ex. D.6. In both his testimony, and his written character statement he attested to the Individual's honesty, trustworthiness, and integrity. Ex. D.6.; Tr. at 29–30. The colleague also provided a description of the College Examination Level Examination (CLEP) Program, a program that facilitated college credits for work activities. The colleague testified that he was able to use all his military education using CLEP to work towards his Bachelor's degree. *Id.* at 37–38.

The Individual provided testimony regarding his employment history. He served in a branch of the U.S. military from 1988 to approximately 2012 and with a law enforcement agency from approximately 1990 to 2012. Tr. at 55–56. While working for the agency, he specialized in illegal drug enforcement activities, and subsequently started his own company. *Id.* at 54–56.

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<sup>&</sup>lt;sup>4</sup> The official was previously in charge of a Credit for Prior Learning (CPL) program for a law enforcement agency which is similar to the Individual's program that the Individual used to obtain his Bachelor's degree. Ex. D.1. at 1–2. The CPL program allows a person to obtain college credits for their work history. *Id.* The official stated that based on his own experience facilitating the CPL program, he finds the Individual's statements about providing proof of work history in exchange for a Bachelor's degree to be plausible. Ex. D. at 2. The official also stated that based on his experience supervising background investigations for law enforcement applicants, many failures to report information occur due to a lapse of memory, and he believes any such lack of disclosure from the Individual is based on "a lapse of memory, not a lapse of integrity." *Id.* at 2.

The Individual testified that during high school, he attended another school in addition to his high school, however, he did not report this school on either of his QNSPs. Id. at 58; Ex. A.4. He stated that he did not know why he did not list this additional school on his QNSPs but asserted that he had difficulty filling out the forms because on several occasions he entered information electronically into the QNSPs, and then tried to save the information but when he pressed "save," the information would not be saved on the QNSP. Id. at 59. He also stated it was also possible that he completely forgot about the school. Id. He testified that he had also attended two additional universities but did not list those institutions on his QNSPs. Tr. at 59–60. Elaborating, he testified that he attended one of the universities for one semester during either 2005 or 2006. Id. at 60. He submitted a transcript for the other university which reflects that he attended that institution during 1990 and did not earn a degree. Ex. A.2.

The Individual also provided testimony describing how CLEP is used by the military, and he explained how he utilized the CLEP program to obtain his degree from the University by submitting records from his work history, military history, and transcripts from all the schools he attended. Tr. at 61–63, 91–92, 100–02. In support of his testimony, he submitted educational records which indicated that the U.S. military headquarters gave him credit for other courses he had taken, and he stated that it determined that he was eligible for his Bachelor's degree and that the U.S. military headquarters determined that the degree made him eligible for his rank as Captain. Ex. A.5. In further support of his testimony, the Individual submitted a letter from a retired General which attests to the fact that the U.S. military headquarters is responsible for making the final approval regarding whether the Individual's Bachelor's degree satisfied military standards to warrant the Individual's promotion to Captain. Ex. D.9.

Additionally, the Individual testified that by his estimation, the process to obtain his Bachelor's degree from the University cost him thousands of dollars and that this cost was a significant amount out of his budget. Tr. at 73–74. He testified that at the time he was considering applying to the University, he consulted with his wife. *Id.* at 101. He said that at that time, he and his wife did not discuss whether the University was accredited as a factor that influenced his decision. *Id.* at 103. The Individual testified that he is not ashamed of his degree, he does not believe that it came from a "diploma mill," and he does not believe his degree holds less value because it is from a nonaccredited university. *Id.* at 74–76.

In addition, the Individual testified that he listed his Bachelor's degree on his resume that accompanied his application for employment with his prior employer. *Id.* at 91. He also testified, however, that he did not prepare that resume specifically for that job application. *Id.* at 95. He explained that his resume is essentially a live document in that every couple of years if he had new accomplishments, or if any business or agencies requested his resume, he would update his resume. *Id.* at 95 –96.

<sup>&</sup>lt;sup>5</sup> During his testimony, the Individual referred to the Questionnaire for National Security Positions (QNSP) as the "SF-86" form, which is the form number for the QNSP. *See e.g.*, Tr. at 57–60, 64–70. This decision uses the term QNSP in lieu of the term "SF-86" form.

#### VI. ANALYSIS

The issue before me is whether the Individual, at the time of the hearing, presents an unacceptable risk to national security and the common defense. I must consider all the evidence, both favorable and unfavorable, in a common sense manner. "[a]ny doubt concerning personnel being considered for access for national security eligibility will be resolved in favor of the national security." Adjudicative Guidelines ¶2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Because of the strong presumption against granting or restoring security clearances, I must deny access authorization if I am not convinced that the LSO's security concerns have been mitigated such that restoring the Individual's clearance is not an unacceptable risk to national security.

The Individual's failure to include his Bachelor's degree from the University on his 2014 and 2019 QNSPs establishes a security concern under Guideline E. Adjudicative Guidelines at ¶ 16(a), (b), (c). An individual may mitigate security concerns under Guideline E, in relevant part, if:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

*Id.* at ¶ 17(a), (c). $^6$ 

Regarding the mitigating factor set forth in ¶ 17(a), I cannot find that the Individual took any significant action to attempt to resolve his omissions prior to being confronted with them. In both his 2014 and 2019 QNSPs, the only college degree he listed was an Associate's degree. He then had another opportunity to disclose his omission during the November 2019 TESI when the OPM investigator asked him if he had any other degrees conferred more than ten years ago. The Individual maintained, however, that he had not earned any other degrees. It was only after the OPM investigator confronted him with information regarding his Bachelor's degree that he admitted receiving the degree from the University.

The Individual has also not satisfied the mitigating factor under ¶ 17(c). There are several unresolved questions from the record, including the hearing testimony, which cast doubt on the Individual's reliability, trustworthiness, or good judgment. First, the Individual, through his attorney, asserted that "[h]e simply overlooked the [University] situation, just as he overlooked many other things on his form...." Tr. at 115. He argued that his failure to list his Bachelor's

<sup>&</sup>lt;sup>6</sup> The additional mitigating factors for Guideline E at ¶ 17(b), (d)—(g) do not apply in the instant case. Paragraph 17(b) does not apply because the Individual was not advised by legal counsel to omit or conceal his Bachelor's degree from his QNSPs. Paragraph 17(d) does not apply because obtaining counseling or alleviating stressors are not relevant to mitigating the allegations of omitting the Individual's Bachelor's degree from his QNSPs. Paragraphs 17(e) and (g) do not apply because there were no SSC allegations concerning vulnerability to exploitation, nor were there allegations involving association with persons involved in criminal activities. Paragraph 17(f) does not apply because the Individual did not make allegations that the information was from a source of questionable reliability.

degree was like other omissions he made such as when he overlooked the requirement to list his children on his QNSP. Specifically, I note that the Individual explained to the OPM investigator that he did not report his Bachelor's degree because he did not attend the school nor was he enrolled in any classes, so he did not believe it needed to be reported on his QNSP. This explanation seems lacking in credibility, especially given the nature of the questions as asked on the 2019 QNSP regarding degrees and diplomas received more than 10 years prior: "Did you receive a Degree/Diploma?"; and "Provide types of degree(s)/diploma(s) received and date(s) awarded." Ex. 4 at 27-28. The instructions in the 2014 QNSP are equally direct:

List the schools you have attended, beyond Junior High School, in the last 5 years. List **all** College or University degrees and the dates they were received. If all of your education occurred more than 5 years ago, list your most recent education beyond high school, no matter when that education occurred.

# Ex. 5 at 66 (emphasis in original).

Furthermore, the record contains evidence casting further doubt as to the Individual's motivation in not reporting his Bachelor's degree. During the 2019 TESI, when asked if he listed his Bachelor's degree on resumes or other personal or professional documents, the Individual told the OPM investigator that he did not think he listed his degree, and if the situation does not require listing a degree, or if the degree does not relate to the situation, then he will not report his Bachelor's degree. As part of the OPM investigation, the OPM investigator obtained the Individual's employment records from his prior employer showing that he had listed his Bachelor's degree on his resume. The explanation that he gave to the OPM investigator supports a reasonable inference that he specifically listed his Bachelor's degree because he believed his degree would benefit him in his job, as it was relevant to obtaining a position with the prior employer. He acknowledged at the hearing that he had listed his degree on his resume when he submitted his job application for the prior employer. However, at the hearing, he then testified that he did not prepare his resume specifically for his job application with the prior employer. Rather, he asserted that his resume is a living document which he continues to update by adding his ongoing accomplishments. Based on his job application for the prior employer which included his resume, as well as his testimony about listing accomplishments on his resume, one can reasonably conclude that the Individual viewed his Bachelor's degree as a professional and educational accomplishment. However, despite this, he clearly chose not to list the degree as an accomplishment on his QNSP, which explicitly asked about such degrees. The Individual's inconsistent statements and actions, in this regard, create doubts as to his trustworthiness, reliability, and judgment.

In addition, I find the other arguments made by the Individual justifying and excusing this omission to be unavailing. The Individual testified that he attended classes at several universities which he failed to report in the 2019 QNSP. He argues that his failure to report his attendance at these universities was similar to his inadvertently omitting his Bachelor's degree in the 2019 QNSP. However, the universities that the Individual failed to list in his 2019 QNSP were ones where there is no evidence that he received a degree or diploma. Nor had he attended the universities in the ten

<sup>7</sup> These omissions were not cited in the Notification Letter.

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years prior to the date of his 2019 QNSP. Tr. at 78. The 2019 QNSP asked the Individual to list: (a) any schools attended in the prior 10 years; and (b) for schools prior to that time period, any schools where he had received a degree. The universities in question fit neither of those criteria, in that they were more than 10 years prior, but he had not received a degree from any of them. Accordingly, the fact that he chose not to include any of these schools cannot be considered a factual omission. Ex. 4 at 10. As such, these omissions do not provide support for the omission of his Bachelor's degree.

Lastly, I have reason to question the Individual's statements that his knowledge about the accreditation status of the University, and the validity of his Bachelor's degree have no bearing on why he chose not to report his degree on his QNSPs. The Individual asserts that he has a valid Bachelor's degree, and that the National Guard vetted his degree and found it met the military standards for a Bachelor's degree required for his commission as a Captain. He testified that he is not ashamed of his degree, nor does he believe that it has less value because it was earned through an unaccredited university. He admitted to making a significant, costly financial investment to obtain his degree, and viewed it as an achievement worthy of listing in his resume which he submitted with his job application for the prior employer. Given that the Individual argues that his degree is valid, that he recognizes it as a significant achievement that he lists on professional documents such as resumes and job applications, and that it cost him a considerable financial investment, there is substantial unresolved doubt as to why then he would not report it on his QNSP, a form which is used to assess his fitness to hold a security clearance.

Furthermore, even assuming the Individual's explanation to be true (*i.e.*, that he made several inadvertent omissions and errors throughout his QNSPs, including but not limited to the failure to report his Bachelor's degree), inattention to accuracy demonstrates a lax attitude towards security reporting requirements, which still casts doubt as to his reliability and good judgment as a DOE security clearance holder. The government must be able to rely upon the statements of those who hold security clearances. *Personnel Security Hearing*, OHA Case No. PSH-21-0077 at 7 (2021). Specifically, QNSPs are "an important tool in establishing whether an individual is fit to hold a security clearance, and accordingly, an applicant is held to a higher standard when completing such a form." *See Personnel Security Hearing*, OHA Case No. PSH-21-0009 at 8 (2021) (citing *Personnel Security Hearing*, OHA Case No. TSO-0023 at 30-31 (2003).

The above unresolved concerns cast doubt as to the Individual's reliability, trustworthiness, or good judgment. Further, I find that the Individual has not satisfied the conditions for mitigation under § 20(a) and § 20(c).

# VII. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under Guidelines E of the Adjudicative Guidelines. After considering all the relevant information, favorable and unfavorable, in a comprehensive, common-

<sup>&</sup>lt;sup>8</sup> The 2019 QNSP asked "[h]ave you received a degree or diploma more than 10 years ago? The Individual answered "Yes" to this question. Ex. 4 at 10. The 2019 QNSP also asked if the Individual had received education in the prior 10 years, to which the Individual replied "No." Ex. 4 at 11.

sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the concerns set forth in the Summary of Security Concerns. Accordingly, I have determined that the Individual's access authorization should not be granted.

The parties may seek review of this Decision by an Appeal Panel, under the regulation set forth at 10 C.F.R. § 710.28.

Administrative Judge Office of Hearings and Appeals